

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

KEITH E. BERRY,

Plaintiff,

v.

STATE OF WASHINGTON, et al.,

Defendants.

Case No. C10-5078BHS

ORDER ADOPTING REPORT  
AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation ("R&R") of the Honorable J. Richard Creatura, United States Magistrate Judge. Dkt. 39. The Court having considered the R&R and the remaining record, and no objections having been filed, does hereby find and order as follows:

- (1) The R&R is **ADOPTED**; and
- (2) Plaintiff's motion is **DENIED**.

DATED this 2<sup>nd</sup> day of March, 2011.



BENJAMIN H. SETTLE  
United States District Judge

ORDER